

Report Date: July 7, 2022

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Jul 07, 2022

Eastern District of Washington

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Allen West Frantz

Case Number: 0980 2:22CR00079-TOR-1

Address of Offender: [REDACTED], Spokane, Washington 99205

Name of Sentencing Judicial Officer: The Honorable David C. Nye, Chief U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: July 9, 2019

Original Offense: Possession with Intent to Distribute Methamphetamine, 21 U.S.C. § 841(a)(1) and (b)(1)(c)

Original Sentence: Prison - 36 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Stephanie A. Van Marter

Date Supervision Commenced: April 30, 2021

Defense Attorney: Federal Defender's Office

Date Supervision Expires: April 29, 2024

PETITIONING THE COURT

To issue a summons.

On May 3, 2021, an officer with the U.S. Probation Office in Spokane, Washington, reviewed a copy of the conditions of supervision with Mr. Frantz, as outlined in the judgment and sentence. He signed a copy acknowledging the requirements.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Mandatory Condition #3:</u> You shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.
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Supporting Evidence: On or about March 11, 2022, Allen Frantz allegedly violated mandatory condition number 3 by consuming marijuana.

On March 11, 2022, the offender reported to the U.S. Probation Office to meet with this officer as scheduled. On that date, Mr. Frantz was subject to random urinalysis testing and provided a urine sample that tested presumptive positive for marijuana. He subsequently admitted to the use of marijuana on or about March 11, 2022, before reporting to the U.S. Probation Office to meet with this officer. He signed an admission of use form confirming that use.

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- 2 **Special Condition #3:** The defendant shall participate in a program of testing and treatment for drug and alcohol abuse, as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On March 16, 2022, Allen Frantz allegedly violated special condition number 3 by failing to report for phase urinalysis testing when his assigned color was identified for testing.

On March 17, 2022, this officer received notification from Pioneer Human Services (PHS) that the offender had failed to report for phase urinalysis testing on March 16, 2022, when his assigned color was identified for testing.

When confronted about his failure to report for phase urinalysis testing, Mr. Frantz insisted he had called into the hotline on a daily basis since March 14, 2022, but that his color "had not been called once."

- 3 **Mandatory Condition #3:** You shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On or about March 29, 2022, Allen Frantz allegedly violated mandatory condition number 3 by consuming marijuana.

On April 7, 2022, the offender reported to the U.S. Probation Office to meet with this officer as instructed. On that date, Mr. Frantz was subject to random urinalysis testing and provided a urine sample that tested presumptive positive for marijuana. He subsequently admitted to the use of marijuana on or about March 29, 2022. He signed an admission of use form confirming that use.

- 4 **Mandatory Condition #3:** You shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On or about April 14, 2022, Allen Frantz allegedly violated mandatory condition number 3 by consuming marijuana.

On April 14, 2022, the offender reported to PHS for phase urinalysis testing and provided a urine sample that tested presumptive positive for marijuana. The offender denied any new illicit drug use, so the sample was sent to the laboratory for confirmation.

On April 20, 2022, the laboratory report was received confirming the urine sample provided by the offender on April 14, 2022, was in fact positive for marijuana. Mr. Frantz insisted the positive result was due to his previously reported marijuana use, on March 29, 2022, so this officer requested further laboratory interpretation.

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In a laboratory interpretation report dated May 16, 2022, the director of toxicology opined the offender had reused marijuana prior to providing the urine sample collected on April 14, 2022.

- 5 **Mandatory Condition #3:** You shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On or about April 19, 2022, Allen Frantz allegedly violated mandatory condition number 3 by consuming marijuana.

On April 19, 2022, the offender reported to PHS for phase urinalysis testing and provided a urine sample that tested presumptive positive for marijuana. The offender denied any new illicit drug use, so the sample was sent to the laboratory for further testing.

On April 28, 2022, the laboratory report was received confirming the urine sample collected on April 19, 2022, was in fact positive for marijuana. Mr. Frantz insisted the positive result was due to his previously reported marijuana use, on March 29, 2022, so this officer requested further laboratory interpretation.

In a laboratory interpretation report dated May 16, 2022, the director of toxicology opined the offender had reused marijuana prior to providing the urine sample collected on April 19, 2022.

- 6 **Mandatory Condition #3:** You shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On or about May 2, 2022, Allen Frantz allegedly violated mandatory condition number 3 by consuming marijuana.

On May 2, 2022, the offender reported to PHS for phase urinalysis testing and provided a urine sample that tested presumptive positive for marijuana. The offender denied any new illicit drug use and signed a denial of use form, so the sample was sent to the laboratory for confirmation.

On May 9, 2022, the laboratory report was received confirming the urine sample collected on May 2, 2022, was in fact positive for marijuana. Mr. Frantz insisted the positive result was due to his previously reported marijuana use, on March 29, 2022, so this officer requested further laboratory interpretation.

In a laboratory interpretation report dated May 16, 2022, the director of toxicology opined the offender had reused marijuana prior to providing the urine sample collected on May 2, 2022.

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Mandatory Condition #3: You shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On or about May 17, 2022, Allen Frantz allegedly violated mandatory condition number 3 by consuming marijuana.

On May 17, 2022, the offender reported to the U.S. Probation Office to meet with this officer as scheduled. On that date Mr. Frantz was subject to random urinalysis testing and provided a urine sample that tested presumptive positive for marijuana. The offender denied any new illicit drug use, so the sample was sent to the laboratory for confirmation.

On May 22, 2022, the laboratory report was received confirming the urine sample collected on May 17, 2022, was in fact positive for marijuana. Mr. Frantz again insisted the positive result was due to his previously reported marijuana use, dating back to March 29, 2022.

On July 7, 2022, this officer received a second laboratory interpretation report in which the director of toxicology opined the offender had reused marijuana prior to providing the urine sample collected on May 17, 2022.

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Mandatory Condition #3: You shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On or about May 23, 2022, Allen Frantz allegedly violated mandatory condition number 3 by consuming marijuana.

On May 23, 2022, the offender reported to PHS for phase urinalysis testing and provided a urine sample that again tested presumptive positive for marijuana. The offender denied any new illicit drug use, so the sample was sent to the laboratory for confirmation.

On June 5, 2022, the laboratory report was received and confirmed the urine sample collected on May 23, 2022, was in fact positive for marijuana. Because Mr. Frantz was insistent that the positive test was a result of his previously reported marijuana use, dating back to March 29, 2022, the undersigned requested another laboratory interpretation.

On July 7, 2022, this officer received a second laboratory interpretation report in which the director of toxicology opined the offender had reused marijuana prior to providing the urine sample collected on May 23, 2022.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.


Executed on: 07/07/2022

s/Amber M.K. Andrade

Amber M.K. Andrade
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Thomas O. Rice
United States District Judge

July 7, 2022

Date